

REMARKS

By the foregoing amendments, claims 73, 74, 112 and 113 have been amended. Claims 1-33, 35-72, 75-98 and 108 have been cancelled. Claims 34, 73, 74, 99-107 and 109-113 are pending in the case.

Support for the amendments to claims 73 and 74 can be found in the specification at page 6, lines 6 to 32; and page 9, line 16 to page 10, line 13.

Claim Objections

Claims 112 and 113 are objected to because they depend from cancelled claim 108. By the foregoing amendments, this oversight has been remedied.

The Rejection under 35 USC § 112, First Paragraph

Claims 73-74 are rejected under Section 112, first paragraph, as non-enabled for methods of diagnosing myocardial infarcts, myocardial perfusion and cancers, and of treating cancers.

Applicants respectfully point out that claims 73 and 74 are composition claims, not methods of diagnosis and treatment. To clarify this point, claims 73 and 74 have been amended to remove the functional language. Support for claims 73 and 74 can be found in the specification at page 6, lines 6 to 32; and page 9, line 16 to page 10, line 13.

The compounds of claim 99 have use in applications such as the *in vitro* analysis of affinity labeled biomolecules, e.g., biotin labeled monoclonal antibodies. According to page 10, second paragraph, the subject reagents of claim 99, and thus the reagents within the compositions of claims 73 and 74, can be labeled with a fluorophore or chromophore as the effector agent, and the amount of affinity label bound to the biomolecule in a sample can be determined accordingly. Therefore, it is respectfully submitted that the composition claims 73 and 74 are fully enabled for a composition with a use aside from diagnosis and/or treatment of cancer, and withdrawal of the rejection is respectfully requested.

The Obviousness Type Double Patenting Rejection

Claims 34, 73-74, 99-107 and 109-113 are provisionally rejected under the doctrine of obviousness type double patenting over claims 1-25 of U.S. Application No. 11/516,419.

Although Applicants do not acquiesce in the subject rejection, they agree to file a terminal disclaimer if the presently pending claims are allowed.

Closing Remarks

It is believed that the foregoing amendments and remarks bring the subject case into condition for allowance and notification of same is respectfully requested.

Submitted herewith is a Petition for Extension of Time for three months with an authorization to charge the Deposit Account 19-5117 for the \$555.00 extension fee (small entity). It is believed that no other fee is due with this submission. If this is in error, please charge any necessary fee to Deposit Account No. 19-5117.

Respectfully submitted,

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Date

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